

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DONALD RAY DISON, JR.,

Plaintiff,

v.

R. REAVES, et al.,

Defendants.

Case No.: 1:24-cv-0876 JLT SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE

(Doc. 17)

Donald Ray Dison, Jr. seeks to hold the defendants liable for civil rights violations pursuant to 42 U.S.C. § 1983. The magistrate judge screened the complaint pursuant to 28 U.S.C. § 1915A(a), and found Plaintiff failed to state a cognizable claim. (Doc. 14.) The Court provided the relevant legal standards and granted Plaintiff leave to amend his complaint. (*Id.* at 5-14.) Plaintiff did not file an amended complaint or otherwise respond to the Court. Therefore, the magistrate judge ordered Plaintiff to show cause why the action should not be dismissed. (Doc. 15.) Again, Plaintiff did not respond to the Court.

The magistrate judge found Plaintiff failed to prosecute the action and failed to comply with the Court's order. (Doc. 17 at 1-2, 5.) The magistrate judge also found terminating sanctions were appropriate after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). (*Id.* at 2-4.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 4.)

1 The Court served the Findings and Recommendations on Plaintiff and notified him that
2 any objections were due within 14 days. (Doc. 17 at 4.) The Court advised him that the “failure
3 to file any objections within the specified time may result in the waiver of certain rights on
4 appeal.” (*Id.* at 4-5, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff
5 did not file objections, and the time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
8 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations issued July 1, 2025 (Doc. 17) are
10 **ADOPTED** in full.
- 11 2. This action is **DISMISSED** without prejudice for Plaintiff’s failure to obey court
12 orders and failure to prosecute.
- 13 3. The Clerk of Court is directed to close this case.

14
15 IT IS SO ORDERED.

16 Dated: **July 28, 2025**


UNITED STATES DISTRICT JUDGE